

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Attorney Docket No.	P02215US (2240/3)
Application Number	10/763,976
Filing Date	JANUARY 23, 2004
First Named Inventor	JEROME S. HARMS
Group Art Unit	1653
Examiner	

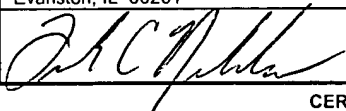
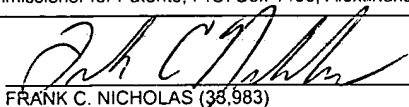
## ENCLOSURES (check all that apply)

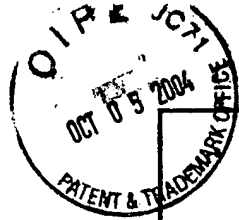
<input checked="" type="checkbox"/> Response to a Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures Dated July 29, 2004 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers  <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Post Card Receipt <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures <input checked="" type="checkbox"/> Master Sequence List <input checked="" type="checkbox"/> Computer readable form (CRF) copy of the Sequence Listing in compact disk media format ISO 9660
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		

## CALCULATION OF FEE

				Small Entity		or	Large Entity	
	Claims After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus			x \$9=	0	x \$18=	
Indep.		Minus			x \$43=	0	x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=	---	+\$290=	
					total add'l fee	\$ 0	total add'l fee	\$

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	September 27, 2004
CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on this date: <u>September 27, 2004</u>			
Signature	 FRANK C. NICHOLAS (33,983)		Date: <u>September 27, 2004</u>



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## CALCULATION OF FEE

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Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Large Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=	0		x \$18=	
x \$43=	0		x \$86=	
+\$145=	---		+\$290=	
total add'l fee			total add'l fee	
\$ 0			\$	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	September 27, 2004

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on this date:		September 27, 2004
Signature	 FRANK C. NICHOLAS (33,983)	Date: September 27, 2004



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on  
September 27, 2004

(Date of Deposit)

FRANK C. NICHOLAS (33,983)  
Name of applicant, assignee or registered representative

*Frank C. Nicholas*  
Signature

September 27, 2004  
Date of Signature

Case No. **P02215US**  
(2240/3)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: )  
JEROME S. HARMS, ET AL. )  
Serial No.: 10/763,976 )  
Filed: JANUARY 23, 2004 )  
Title: INDUCIBLE PROTEIN EXPRESSION )  
SYSTEM )

Examiner:

Group Art Unit: 1653

**RESPONSE TO A NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES DATED JULY 29, 2004**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22202-1450

To Whom It May Concern:

This is a response to a Notice to Comply dated July 29, 2004. The Applicants respond as follows:

**-- REMARKS --**

A Notice to Comply was mailed to the Applicants on July 29, 2004. The Notice pertains to the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures. In an effort to fulfill the obligations of the Notice, the Applicants hereby submit sequences corresponding to the thirteen SEQ ID NOs and the FIGS. of the Application. Applicants request that the Application be amended to include these Sequence Listings and that the amendment be entered into the Application.

Applicants have provided an initial computer readable form (CRF) copy of the Sequence Listing in compact disk media format ISO 9660. The content of the sequence listing provided in computer readable form is identical to the written sequence provided on compact disc. The sequence listing does not include new matter.

Accordingly, the Application now stands complete and in compliance with the requirements of 37 CFR 1.821 – 1.825.

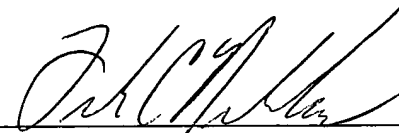
**SUMMARY**

The Applicants submit herein sequence listings thereby bringing the Application in compliance with 37 CFR 1.821 – 1.825.

Dated: September 27, 2004

Respectfully submitted,  
JEROME S. HARMS, ET AL.

CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
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Frank C. Nicholas  
Registration No. 33,983  
Attorney for Applicants

JFW



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/763,976	01/23/2004	Jerome S. Harms	P02215US (2240/3)

CONFIRMATION NO. 7883

## FORMALITIES LETTER



\*OC000000013369459\*

Frank C. Nicholas  
 CARDINAL LAW GROUP  
 Suite 2000  
 1603 Orrington Avenue  
 Evanston, IL 60201

Date Mailed: 07/29/2004

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*fls*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE